

Abstract

Reorganization with a focus on procedural aspects of insolvency proceedings

The legal regulation of insolvency proceedings in the Czech Republic has been subjected to substantial modernization by the Czech act No. 184/2006 Coll., The Insolvency Act. The Insolvency Act comprehensively responds to recent development in the society and economic situation by implementing non-liquidation bankruptcy solutions.

The purpose of this thesis is to provide complex insight in to the insolvency proceedings and its components, with a focus on its procedural aspects. The crucial part of this thesis is the analysis of the procedural proceedings, under which the reorganization is carried out. The thesis is composed of ten chapters, each of them dealing with different parts of the procedure.

Chapter One generally defines insolvency proceedings as a specific type of civil procedure. Chapter is subdivided into three parts describing the concept and nature of the insolvency proceedings, as well as specific principles by which the insolvency proceeding is ruled by.

Chapter Two characterises the entities and participants of the insolvency proceeding while presenting details on their characteristics, capacities and procedural rights.

Chapter Three focuses specifically on the decision-making and supervisory activities of the insolvency court, while reflecting the issue of distinguishing the nature of the activities of the insolvency court, since the question is crucially important in relation to the admissibility of appeals.

Chapter Four examines and illustrates the first phase of the insolvency proceedings, which is a general phase initiated by the proposal for the initiation of insolvency proceedings. The chapter discusses the specifics of the insolvency petition, initial court activity and the aspects of the insolvency court decision on the insolvency petition.

Chapter Five deals with the general issues of the reorganization as a non-liquidating solution of the debtor's bankruptcy, while defining the purpose and specifics of the method compared to liquidation.

Chapter Six provides detailed insight into the issues of the application for approval of reorganization, while focusing mainly on procedural aspects of the

application and decision on it. One subchapter briefly explains the effects of the approved reorganization.

Chapter Seven continues the topic of Chapter Two by providing more focused insights into the role, capacity and procedural rights of the creditors and insolvency administrator during the process of realization of the reorganization of the debtor's going concern.

Chapter Eight provides deep analyse of the reorganization plan as a cornerstone of the upcoming course of the insolvency proceedings and of the reorganization in general. The course focuses specifically on the procedural aspects of the reorganization plan, its addressing, disposal and decision-making.

Chapter Nine aims on the procedural possibilities of the termination of the realization of the reorganization or of the insolvency proceedings in general.

Last chapter contains author's opinion on the legal regulation of insolvency proceedings, evaluation of The Insolvency Act and brief outline of future legislature.